

### **Remarks**

Applicant and the undersigned would like to thank the Examiner for his efforts in the examination of this application. Reconsideration is respectfully requested.

### **Rejection of Claims 1-24 under Double Patenting**

The Examiner has rejected Claims 1-24 under the judicially created doctrine of obviousness-type double patenting over US 6,324,531 to Anderson et al. in view of Liang (US 5,081,397).

A Terminal Disclaimer signed by the undersigned agent of record is enclosed herewith to obviate this rejection.

The Examiner is asked to note that the current application is now owned solely by the Idaho Potato Commission. This invention and that claimed in the '531 patent were both made under a joint venture with the Florida Department of Citrus, and the instant application was so assigned at the time of filing. Per MPEP §706.02(1)(2), "The term 'commonly owned' is intended to mean that the subject matter which would otherwise be prior art to the claimed invention and the claimed invention are entirely or wholly owned by the same person(s) or organization(s) at the time the claimed invention was made."

Since the filing date of the instant application, the application has been reassigned so that the Idaho Potato Commission is now the sole owner. It is on behalf of sole owner Idaho Potato Commission that the enclosed Terminal Disclaimer is being filed.

Claims 1-24 are believed in condition for allowance.

## Conclusions

Applicants respectfully submit that the above amendments place this application in a condition for allowance, and passage to issue is respectfully solicited. Applicants and the undersigned would like to again thank the Examiner for his efforts in the examination of this application and for reconsideration of the claims as amended in light of the arguments presented. If the further prosecution of the application can be facilitated through telephone interview between the Examiner and the undersigned, the Examiner is requested to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,



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## CERTIFICATE OF MAILING

I hereby certify that the foregoing is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 2<sup>nd</sup> day of August, 2005.



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Edward Bradley